



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/723,746 | 11/28/2000 | Charles R. Szmarda | 50640 | 6356 |
| 21874 | 7590 | 11/17/2004 | EXAMINER | |
| EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205 | | | | MAHMOUDI, HASSAN |
| | | ART UNIT | | PAPER NUMBER |
| | | 2165 | | |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------|------------------------|---------------------|
| Advisory Action | Application No. | Applicant(s) |
| | 09/723,746 | SZMANDA ET AL. |
| | Examiner | Art Unit |
| | Tony Mahmoudi | 2165 |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires _____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on 20 September 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 19-32

Claim(s) withdrawn from consideration: _____

8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____



SAM RIMELL
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant's arguments presented in the After Final response, filed on 15-July-2004, have been fully considered but are not deemed persuasive, and the claim limitations of the "finally rejected" claims are still met by the Suzuki et al (U.S. Patent No. 6,226,617), Sziklai et al (U.S. Patent No. 6,341,287), and Fahey (U.S. Patent No. 5,970,476) references.

In response to the applicant's arguments that "the prior art references do not teach or suggest all of the claim limitations", the arguments are fully considered but are not deemed persuasive, because as detailed in the previous Office Action, Suzuki et al teaches: monitoring a plurality of waste stream providers (see column 2, lines 58-63, where "monitoring production of items" is read on "realizing the appropriate treatment"); determining an amount of reusable raw materials contained in a plurality of waste streams resulting from the production (see figure 4, and see column 10, lines 1-11); a reusable materials database in communication with the waste stream monitoring module (see column 16, lines 9-13), the reusable materials database operable for storing the amount of reusable raw materials contained in the plurality of waste streams (see figure 4, see column 8, lines 49-54, and see column 10, lines 1-18); wherein the reusable raw materials are available for purchase (see column 13, lines 5-22, and see column 17, lines 24-38); a purchase price associated with each of the reusable raw materials, the purchase price stored in the reusable materials database (see column 16, lines 8-13, and see column 16, line 60 through column 17, line 3.) Sziklai et al teaches: monitoring production of items produced (see column 7, lines 25-33, see column 8, lines 25-31, and see column 32, lines 9-11); and a waste stream provider interface and communications link operable for communicating production information from the plurality of waste stream providers to the waste stream monitoring module (see column 9, lines 27-42, and see column 11, lines 2-13.) Further, Fahey teaches: a user access interface and communications link operable for enabling a user to view the reusable raw materials, the user access interface in communication with the reusable materials database (see figures 1A and 1B, see column 4, lines 1-6, and see column 11, lines 20-45).